

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 8:12CR301
vs.)
) ORDER
MARIA E. TERRAZAS and)
GERMAN GOMEZ-SALAS,)
Defendants.)

This matter is before the court on the motions to continue by defendant Maria E. Terrazas (Terrazas) (Filing No. 43) and defendant German Gomez-Salas (Filing No. 40). Both defendants seek a continuance of the trial of this matter which is scheduled for December 17, 2012. Terrazas' counsel represents Terrazas will file an affidavit wherein Terrazas represents that she consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 43). German-Salas has filed an affidavit wherein he represents that he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 42). Terrazas' counsel represents that government's counsel has no objection to the motion. Upon consideration, the motions will be granted.

IT IS ORDERED:

1. Terrazas' motion to continue trial (Filing No. 43) and Gomez-Salas' motion to continue (Filing No. 40) are granted.
2. Trial of this matter is re-scheduled for **January 7, 2013**, before Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **November 30, 2012, and January 7, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 30th day of November, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge